

AMENDMENTS TO LB 540

Introduced by Judiciary

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Sections 1 to 6 of this act shall be known and
4 may be cited as the Probation and Parole Services Study Act.

5 Sec. 2. It is the intent of the Legislature that the
6 Probation and Parole Services Study Act create a multi-branch
7 commission, known as the Probation and Parole Services Study
8 Commission, to undertake an in-depth analysis of the state's adult
9 and juvenile probation systems and services and the parole system
10 and services in order to assess the efficacy of coordination of
11 such services and administration of the systems for the benefit of
12 the public and the offenders served by the systems.

13 Sec. 3. The Legislature finds that:

14 (1) Nebraska's probation and parole services function
15 administratively under different branches of state government.
16 Probation services are currently under the judicial branch while
17 parole is a function of the Department of Correctional Services in
18 the executive branch;

19 (2) Probation and parole offender-based services share
20 many characteristics relative to: Community supervision of
21 offenders; risk assessment; enforcement of probation and parole
22 terms and conditions; offender accountability; initiation of
23 filings relating to probation and parole violations; providing

1 offender assistance; and appropriate referral for community-based
2 services, including, but not limited to, substance abuse and mental
3 health evaluation and treatment, housing assistance, and workforce
4 development;

5 (3) Laws 1971, LB 680, which statutorily established
6 probation service delivery in the judicial branch, provided the
7 authority for parole officers to supervise probationers;

8 (4) Laws 2003, LB 46, provided for the establishment
9 of community-based programs, services, and facilities for both
10 probationers and parolees. Access to and participation in program
11 services and facilities are shared by probationers and parolees.
12 Probation officers and parole officers are assigned supervision of
13 probationers and parolees that concurrently access and participate
14 in community-based programs and services;

15 (5) It is appropriate for a multi-branch commission
16 to study the effectiveness, efficiency, and responsiveness of
17 Nebraska's current administrative assignment of probation and
18 parole service delivery.

19 Sec. 4. The Probation and Parole Services Study
20 Commission shall:

21 (1) Identify areas of overlap in offender services
22 provided by probation and parole administration and assess
23 the potential for coordination of state-sponsored services and
24 resources which assist in offender rehabilitation;

25 (2) Assess the optimum methods for delivery of a seamless
26 continuum of offender services within the current probation and
27 parole systems and analyze whether a single system would be to the

1 advantage of state government and offenders;

2 (3) Undertake a comparative analysis of other state's
3 probation and parole administrative systems to include, but not
4 be limited to, issues relating to personnel salary and benefits
5 structures, hiring standards, officer caseloads, and officer
6 training curriculum; and

7 (4) Assess service needs of juveniles on probation, their
8 access to services, and the appropriate minimum array of services
9 to be available for juveniles on probation throughout the state.

10 Sec. 5. (1) The Probation and Parole Services Study
11 Commission is created. The commission shall have nineteen members
12 as follows:

13 (a) Two members of the Judiciary Committee of the
14 Legislature to be appointed by the chairperson of that committee;

15 (b) The Chief Justice of the Nebraska Supreme Court or
16 his or her designee;

17 (c) The Governor of the State of Nebraska or his or her
18 designee;

19 (d) The probation administrator or a representative of
20 the Office of Probation Administration, appointed by the probation
21 administrator;

22 (e) The Parole Administrator or a representative of
23 the Office of Parole Administration, appointed by the Parole
24 Administrator;

25 (f) One district court judge appointed by the Chief
26 Justice;

27 (g) One county court judge appointed by the Chief

1 Justice;

2 (h) One judge of a separate Juvenile Court appointed by
3 the Chief Justice;

4 (i) The administrator of the Office of Juvenile Services
5 or his or her designee;

6 (j) The Director of Correctional Services or his or her
7 designee;

8 (k) The Director of Health and Human Services or his or
9 designee;

10 (l) The executive director of the Community Corrections
11 Council or his or designee;

12 (m) The State Court Administrator who shall be an ex
13 officio member;

14 (n) The executive director of the Nebraska Commission on
15 Law Enforcement and Criminal Justice;

16 (o) One probation officer, appointed by the chairperson
17 of the Judiciary Committee of the Legislature;

18 (p) One parole officer, appointed by the chairperson of
19 the Judiciary Committee of the Legislature;

20 (q) A representative of the Chief Probation Officers
21 Association; and

22 (r) The chairperson of the Parole Board or his or
23 designee.

24 (2) The chairperson of the Probation and Parole Services
25 Study Commission shall be selected by a majority vote of the
26 members of the commission.

27 (3) Necessary appointments to the commission shall be

1 made within thirty days after the effective date of this act.
2 Members of the commission shall serve without compensation but
3 shall be reimbursed for their actual and necessary expenses as
4 provided in sections 81-1174 to 81-1177.

5 (4) The commission may hire consultants with expertise
6 in the type of study required pursuant to this section to design
7 the study, conduct research deemed necessary by the commission, and
8 analyze the results of such study. The study shall be completed
9 by the commission on or before December 31, 2007, and a copy of
10 the completed study shall be submitted to the Chief Justice, the
11 Governor, and the Speaker of the Legislature.

12 Sec. 6. The Legislature shall appropriate funds to the
13 Probation and Parole Services Study Commission for purposes of
14 conducting the study required by section 5 of this act.

15 Sec. 7. Since an emergency exists, this act takes effect
16 when passed and approved according to law.